

Gender and Justice: Women's Legal Engagement in the Gold Coast Colony (1861–1940)



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Historical Background

- 1844 Bond and subsequent ordinances extend British jurisdiction → emergence of a colonial legal order (Gocking 2005).
- 1874: Gold Coast declared a British colony; *Supreme Court Ordinance* and later *Native Jurisdiction Ordinances* formalise a **legally plural** system combining English law and “native law and custom,” (Gocking 2005; Sackeyfio 2012).
- **Cocoa expansion and export agriculture** intensify pressures on land and labour (Grier 1992, 1999; Berry 1992).

Previous literature:

Colonial courts (like Jamestown) are key sites where British law, statutory “native” law, and customary practice meet, and where land and property disputes are adjudicated in ways that advance colonial economic interests (Benton 1999; Gocking 2005; Sackeyfio 2012).

Africans actively use and shape these institutions, but access and outcomes are structured by race, gender, and class within a broader system of indirect rule and chiefly authority (Bolt et al. 2022; Bolt & Gardner 2020; Berry 1992).

Intersectionality (Crenshaw 1989, 1991) highlights how gender and race/ethnicity combine to shape access to, and treatment within, legal systems; this paper applies that lens to African women, African men, European women and European men in Jamestown's civil court.

Recent work on women and colonial justice shows that African women sometimes obtain relatively favourable outcomes in criminal courts, framed through paternalistic ideas of “mercy,” but remain embedded in racialised and patriarchal hierarchies (Gendry & Hynd 2023; Hjalmarsson & Bindler 2020).

Research Questions & Purpose

RQs:

1. How did women and men's outcomes evolve in the legal system of the Gold Coast colony over the course of the colonial period?
2. In the colonial courts of the Gold Coast, how did the intersection of gender and race/ethnicity shape litigants' chances of winning their cases?

Aim: To examine the changing roles and participation of women in the legal and economic systems of the Gold Coast during the colonial period and into the early years of independence

Sources and Data

Newly digitised court-book records, Jamestown civil court, 1861–1940.

Repeated cross-section: 500+ cases with identified gender, ethnicity, role, outcome, case type, and use of lawyers/witnesses/documents.

Descriptive and cross-tab analyses (win ratios, odds ratios, chi-square tests) by gender–ethnicity group and over time.

Conclusions

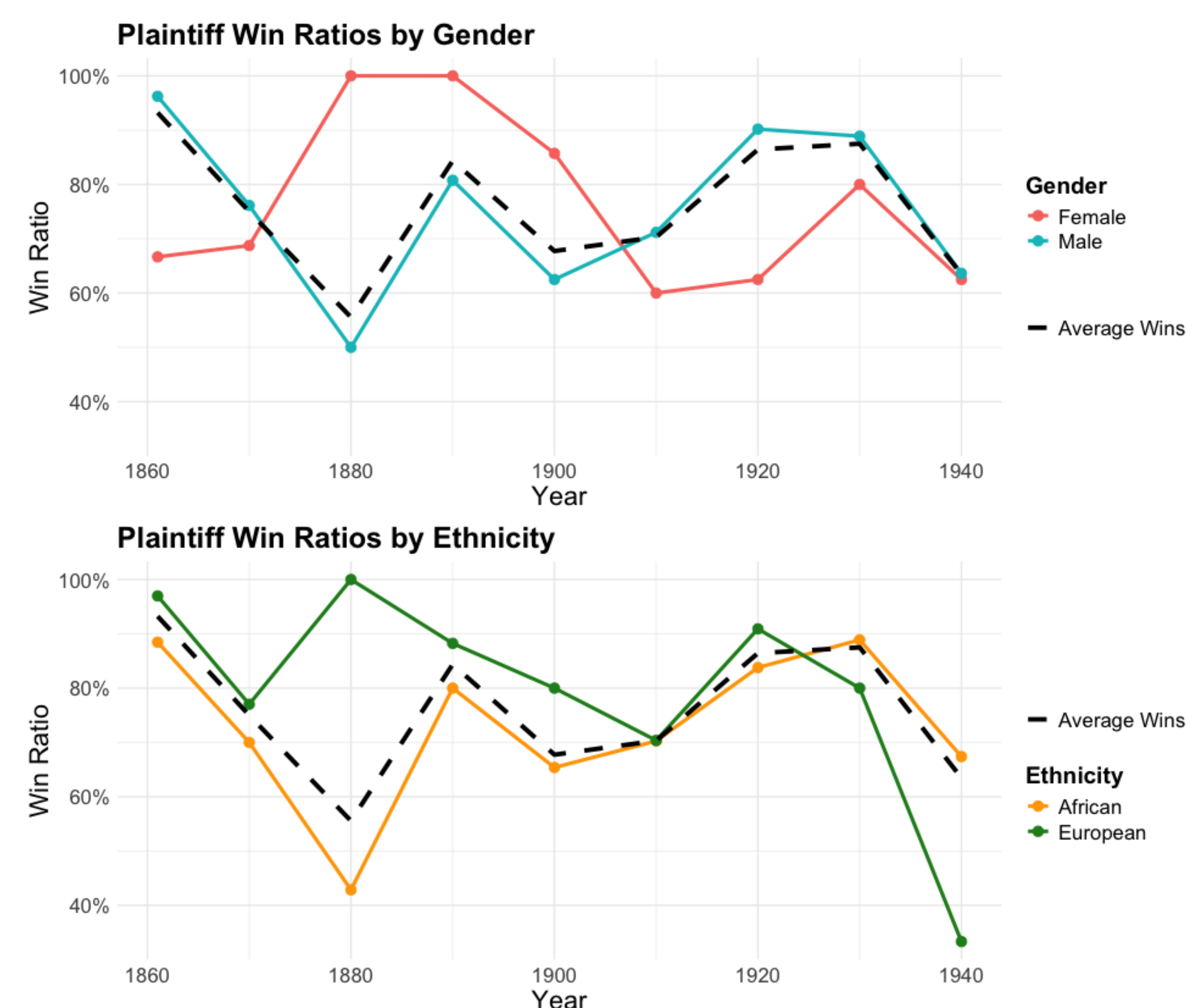
Early decades: women's win ratios as plaintiffs are high, then decline after c.1900.

African plaintiffs' win ratios are persistently lower than Europeans' (African plaintiffs win only about 0.54 times as often as European plaintiffs).

All plaintiff groups have higher win ratios when the defendant is African, suggesting *systematic disadvantage* for African defendants.

Odds ratios and chi-square tests indicate that both gender and ethnicity matter, with **ethnicity** showing the strongest and most consistent **gap**.

Results



| Group | Total wins | Total loss | Total cases | Win ratio | Odds | Odd ratio | CI lower | CI upper |
|----------------|------------|------------|-------------|-----------|-------|----------------|----------|----------|
| African Women | 24 | 30 | 54 | 0.444 | 0.8 | 0.573 | 0.314 | 1.04 |
| European Women | 15 | 18 | 33 | 0.455 | 0.833 | 0.597 | 0.286 | 1.25 |
| African Men | 146 | 195 | 341 | 0.428 | 0.749 | 0.536 | 0.380 | 0.757 |
| European Men | 127 | 91 | 218 | 0.583 | 1.40 | 1 ^x | 0.683 | 1.46 |

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